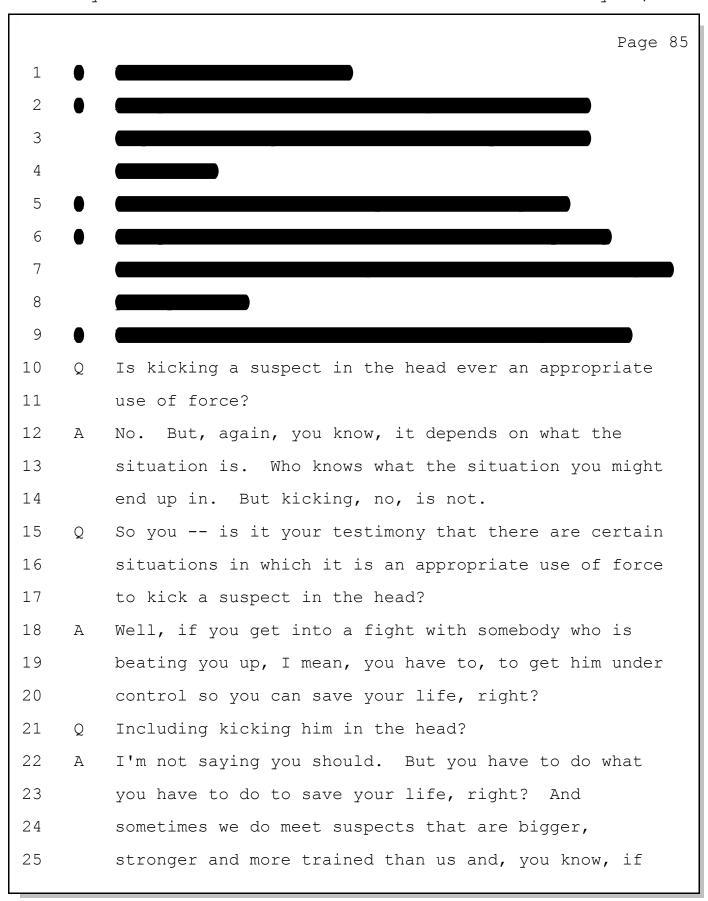
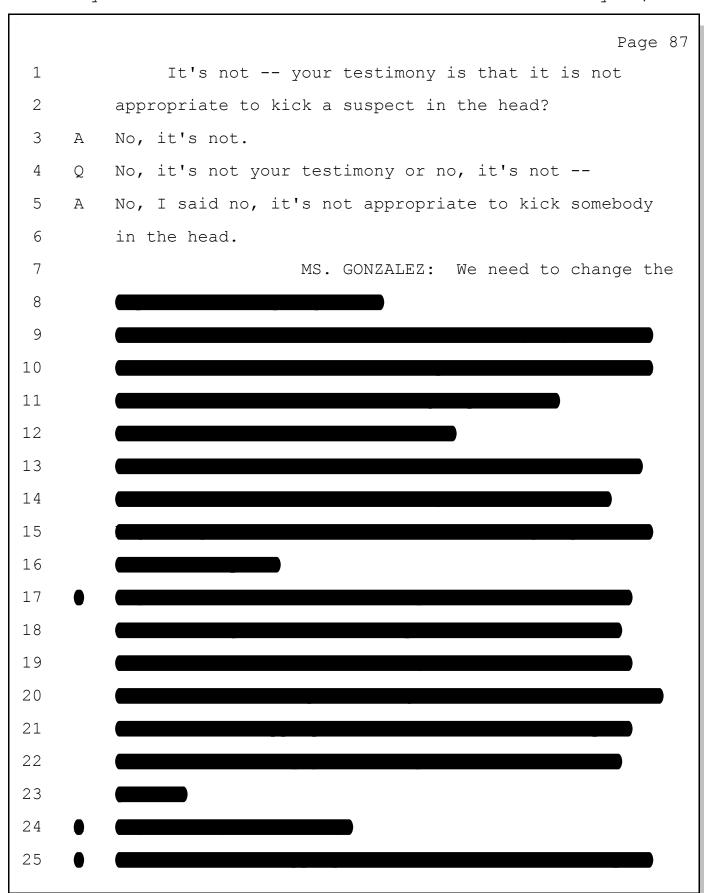
## Exhibit A

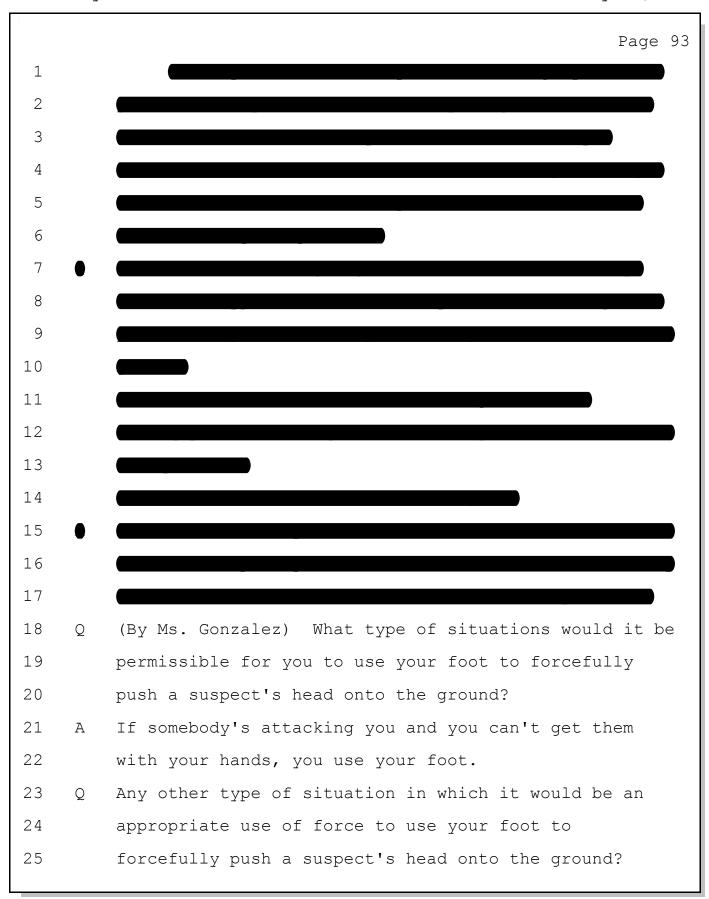
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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
JAKE BAIJOT-CLARY,	)
Plaintiff,	)
vs.	) ) No. C12-1096 JCC
GARTH HAYNES (individually and in his official capacity); CHRISTOPHER CHRISTMAN (individually and in his official capacity); and THE CITY OF SEATTLE, a municipal corporation,	) ) ) ) ) ) ) )
Defendants.	)
DEPOSITION UPON (	ORAL EXAMINATION OF
GARTH	HAYNES
Taken at 2100 Wes	tlake Avenue North
Suit	te 206
Seattle,	Washington
July 3	10, 2013
9:30	0 a.m.
Reported by: Sharon	Rindal, CCR No. 2680

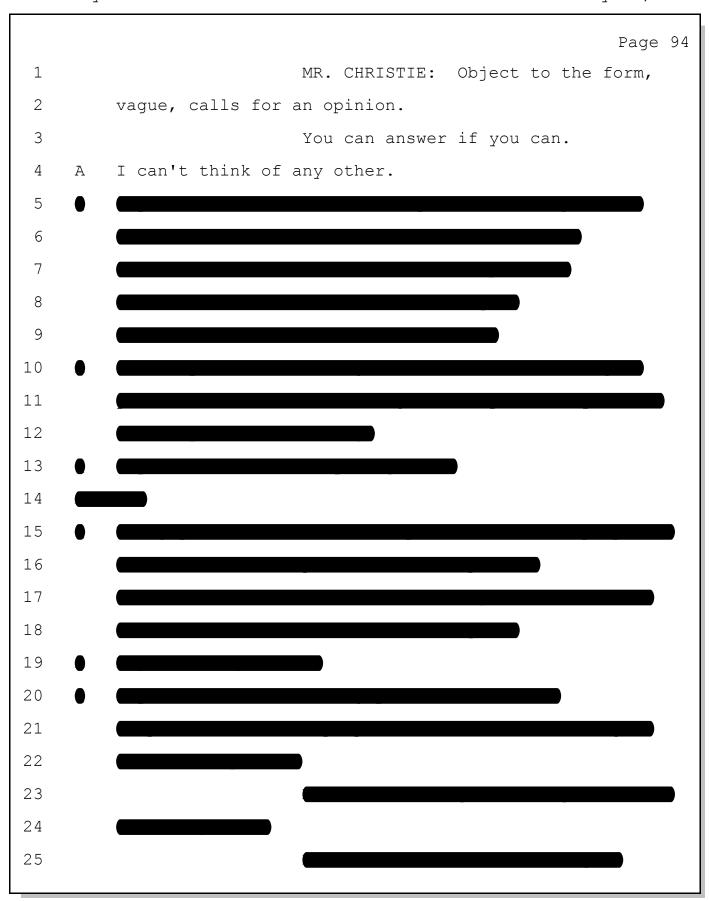
FAX: 206.622.6236

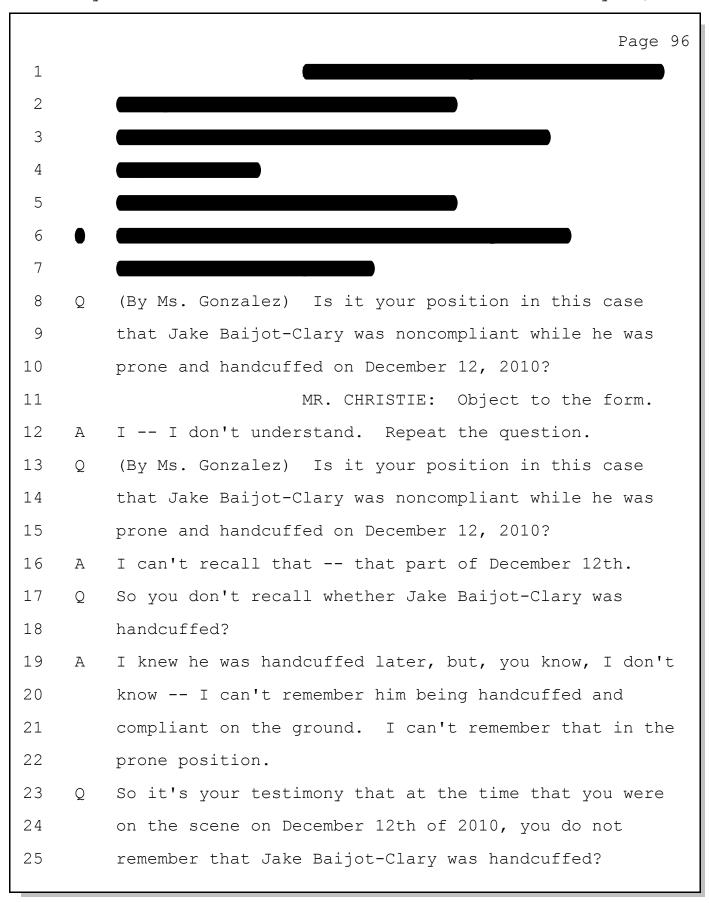


Page 86 you were a police officer, you would -- in so much 1 trouble where somebody is really beating you up, you 2 3 would do what you have to do to survive, right? 4 would you stop to think about kicking someone in the 5 head? I mean . . . 6 Q Okav. So in the situation in which you are working as 7 a police officer and a suspect is beating you up and 8 you have to defend yourself, then it would be 9 appropriate to kick the suspect in the head? 10 Α Well, if it -- if it's necessary to save your life. 11 Okay. But it -- so I want to make sure I understand 12 what your testimony is. 13 So it would only be appropriate to kick a suspect 14 in the head if it's for the purpose of saving your own 15 life? Well, it depends. Force -- use of force depends on 16 Α 17 the situation. So you have to -- as an individual, 18 you have to determine, you know, what kind of force 19 you will use and, you know, when to apply it and when 20 it's -- like I said, when it's necessary. So kicking 21 somebody in the head, no, it's not appropriate. But 2.2 there's some situations where you do need, you know, 23 to think about, you know, certain things like, you 24 know, if it's necessary to save your life. 25 Okay. So I want to be clear. Q



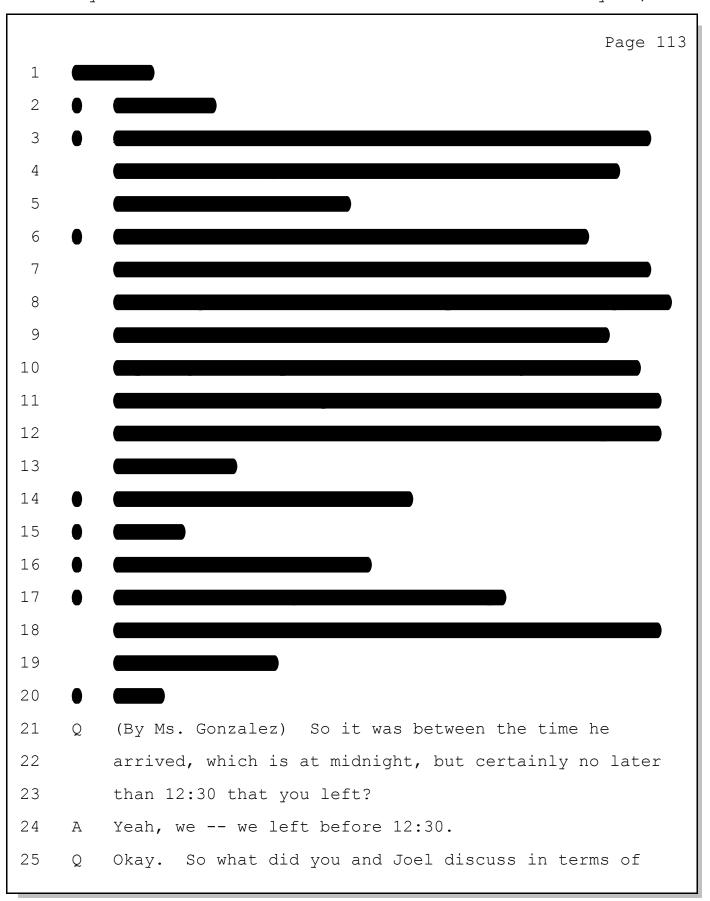




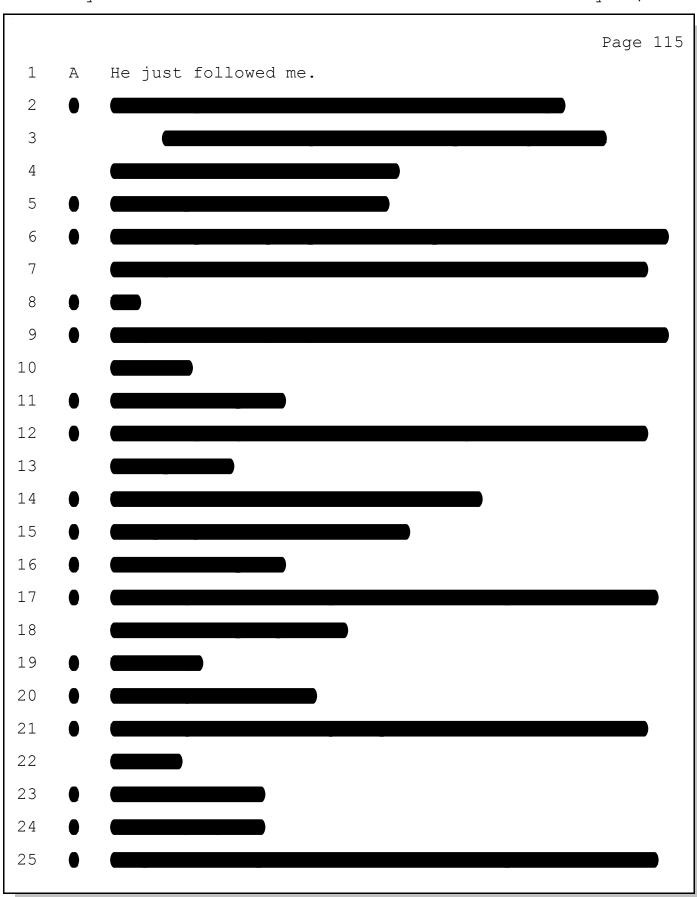


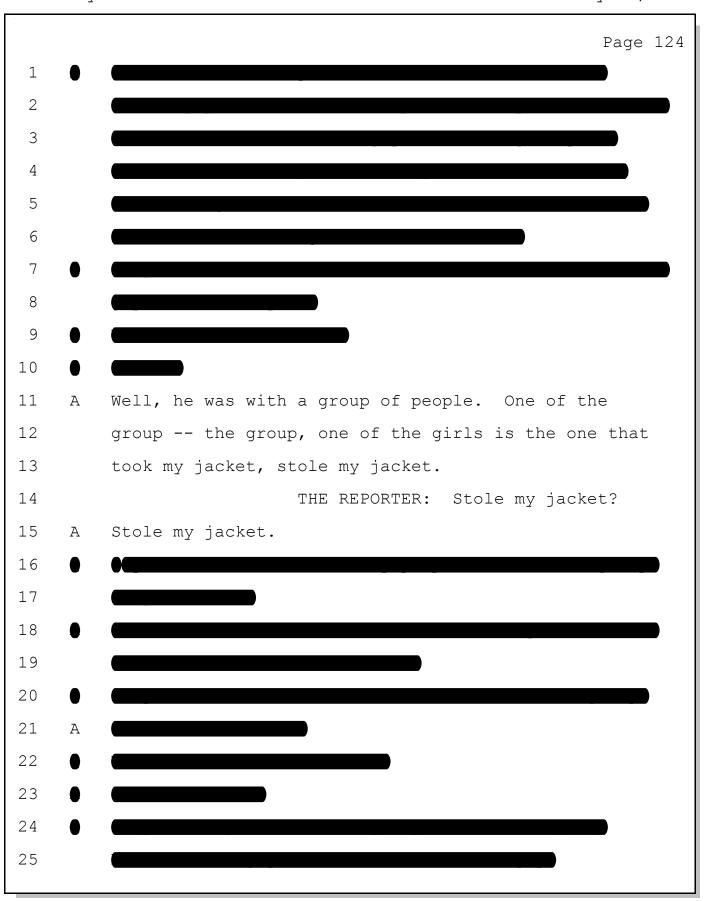
Page 97 I know he was handcuffed, but I don't remember, like, 1 how it occurred. 2 3 THE REPORTER: Like, how it 4 occurred? 5 Yes. I mean, I knew we did it. I knew, you know --6 but I -- I just don't recall that part. After I was kicked in the head, I don't remember. 8 (By Ms. Gonzalez) And so, again, I want to -- I want 9 to be clear. 10 When you were on the scene on December 12th of 11 2010, you do not know one way or the other -- at that 12 point in time you do not know one way or the other 13 whether Jake Baijot-Clary was handcuffed? I knew he was handcuffed. 14 Α At the time or later? 15 16 I knew he was handcuffed later. Α 17 Meaning that you learned that he had -- was handcuffed while on the ground, but you learned of that fact 18 19 later? 20 Later on. Α 21 Okay. Is it your testimony -- is it going to be your 2.2 testimony at the time of trial that Jake Baijot-Clary 23 was noncompliant while he was prone on the ground? 24 MR. CHRISTIE: Object to the form. 25 Α I can't recall.

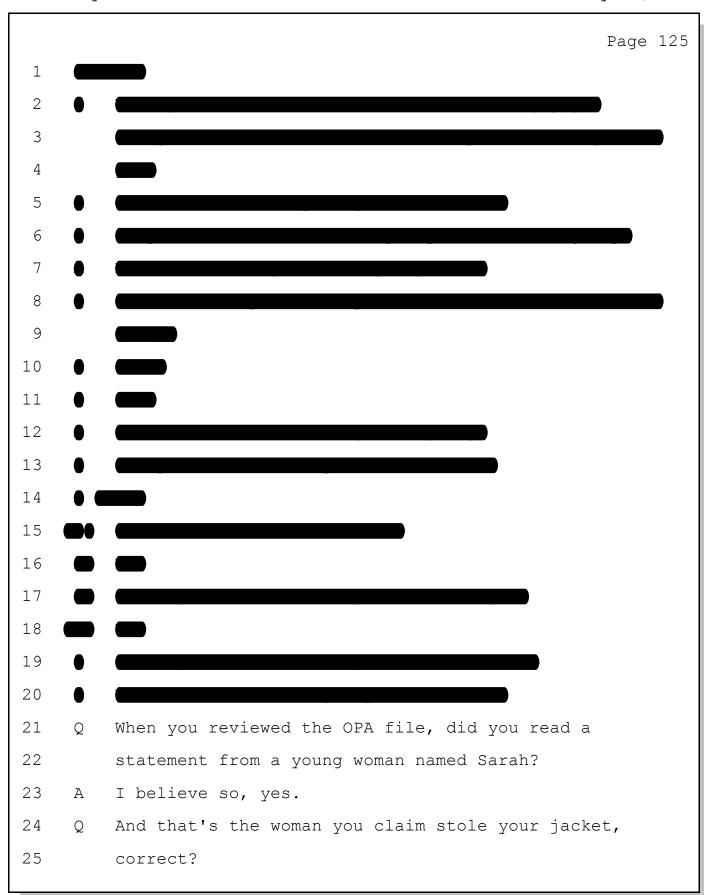
Page 98 1 Q (By Ms. Gonzalez) Okay. So you don't recall any 2 details about what Jake Baijot-Clary was doing while 3 he was on the ground on December 12th of 2010. Is that your testimony? 4 5 I can't remember what he was doing after he was Α No. 6 handcuffed and prone on the ground. I can't recall. 7 8 9 10 11 Α 12 Q 13 Α 14 Q 15 Α 16 17 Q 18 Α 19 Q 20 21 Α 22 Q 23 Α 24 Q 25 Α

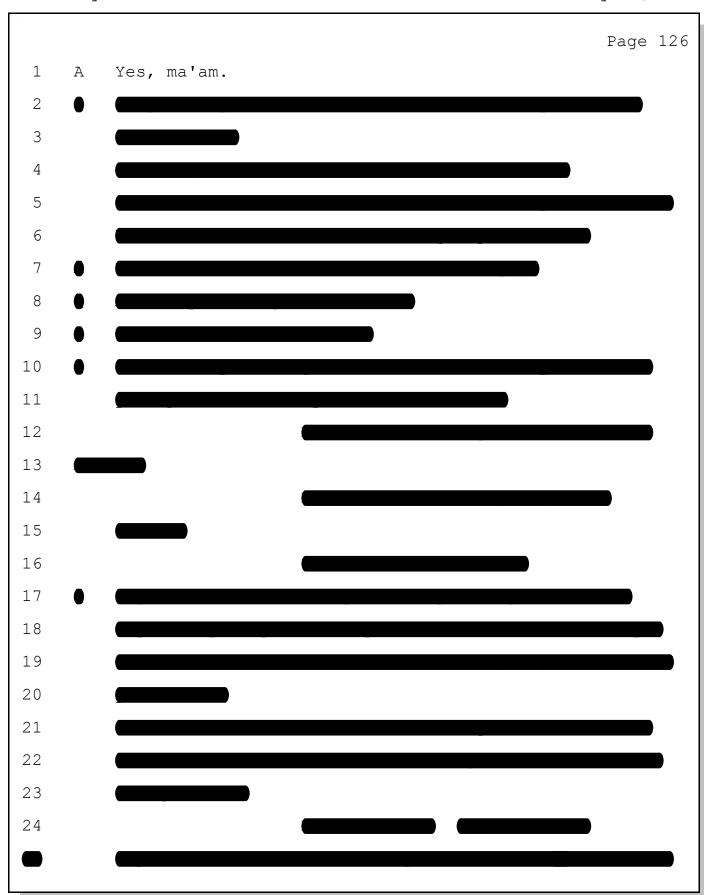


Page 114 your plans for the evening once he arrived at Shane's 1 2 house? 3 He just asked me is there anywhere that, you know, 4 like, a cool place where you can go and, you know, 5 have -- you know, have a drink or two where there's 6 music. You know, he wanted -- likes places with, you 7 know, music in there, and so -- you know. That was 8 it. 9 And what did you say? Q Well, I thought about the BalMar because I had been 10 Α 11 there before. And had he been to the BalMar? 12 0 I can't recall. 13 Α 14 All right. Q 15 And so once you all -- okay. Just so I'm clear, you suggested the BalMar? 16 17 Α Yes. And he was fine with that? 18 19 Α Yes. 20 Okay. So then how did you -- what did you all discuss 21 in terms of how you would get there? 2.2 We drove there. Α 23 In separate cars or together? Q 24 Separate cars. Α 25 Did you tell him how to get to the BalMar? Q

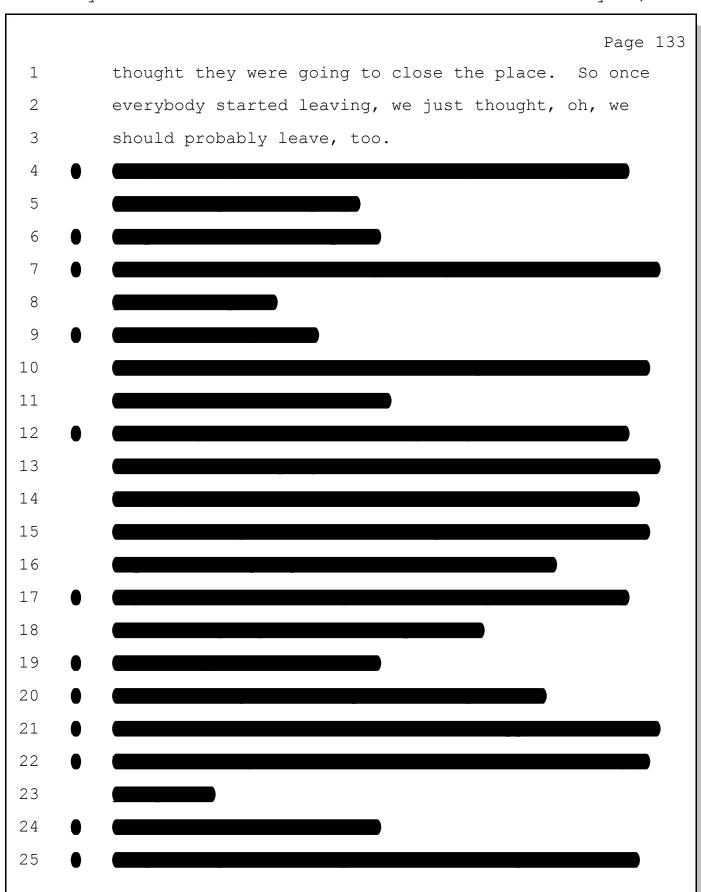


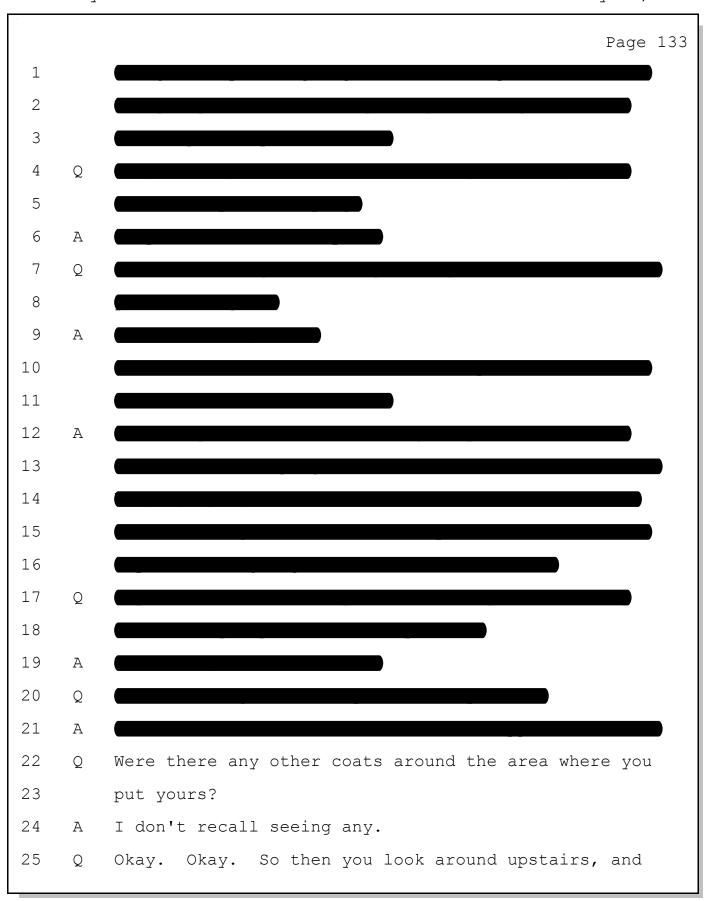




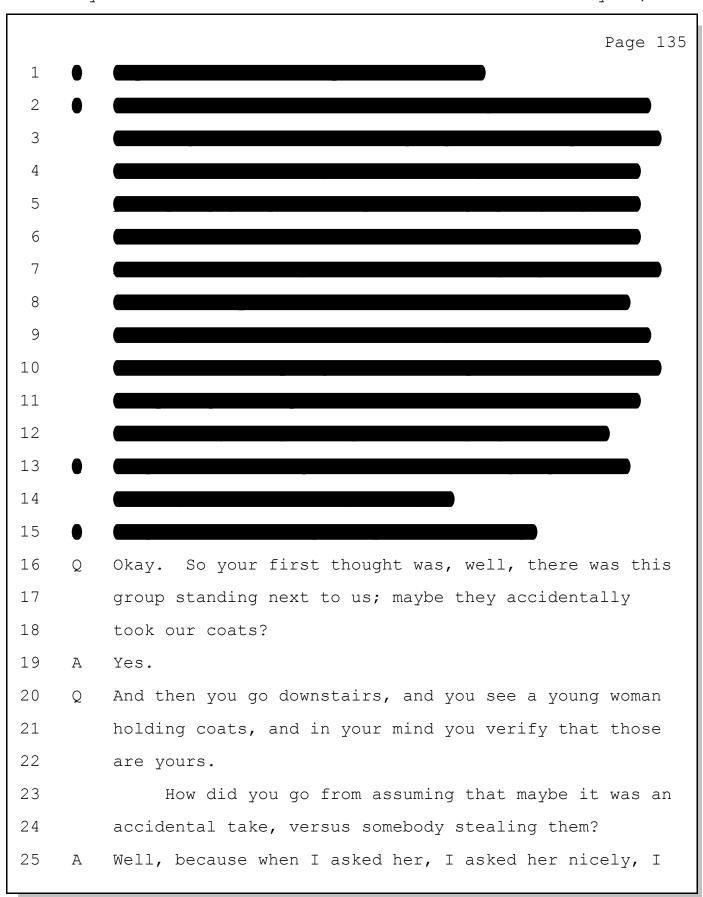


Page 132 1 2 3 4 5 6 0 Okay. And tell me what you recall about seeing them 7 leave. 8 They just all left in a bunch. They just -- you know, 9 because I was, like -- my coats were behind -- our 10 coats were behind us, and we are standing there having 11 our beer, I was having my beer, and the D -- the DJ, 12 the guy playing the music was in front of us, and, 13 like, the dance floor was in front of us, because it's a pretty small dance floor. And the lights came on, 14 15 and then people just started leaving. But the stairs, 16 like, I could see everybody who was leaving. Okay. Did the -- the group that the Bill Pierre Auto 17 18 guy was with, did that group leave before the lights 19 came on or after the lights came on? 20 I'm not too sure. I think they left when the lights Α 21 came on. Because once the lights and the music 2.2 stopped -- when the light came on and the music 23 stopped, it appeared that everybody left. They were 24 starting to leave. So we thought that, yeah, they 25 were going to close since the lights came on.

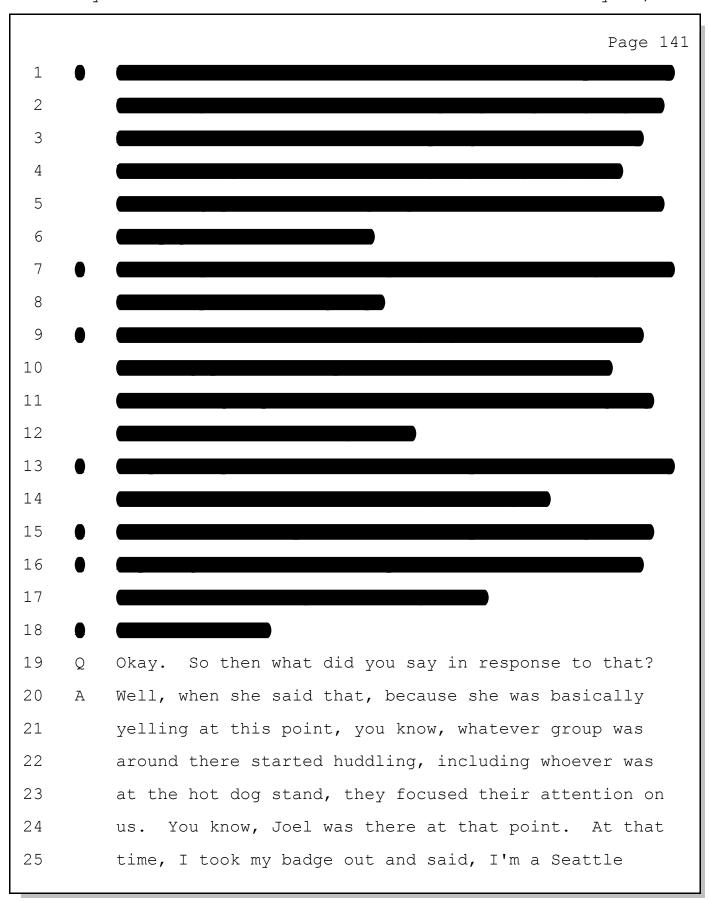


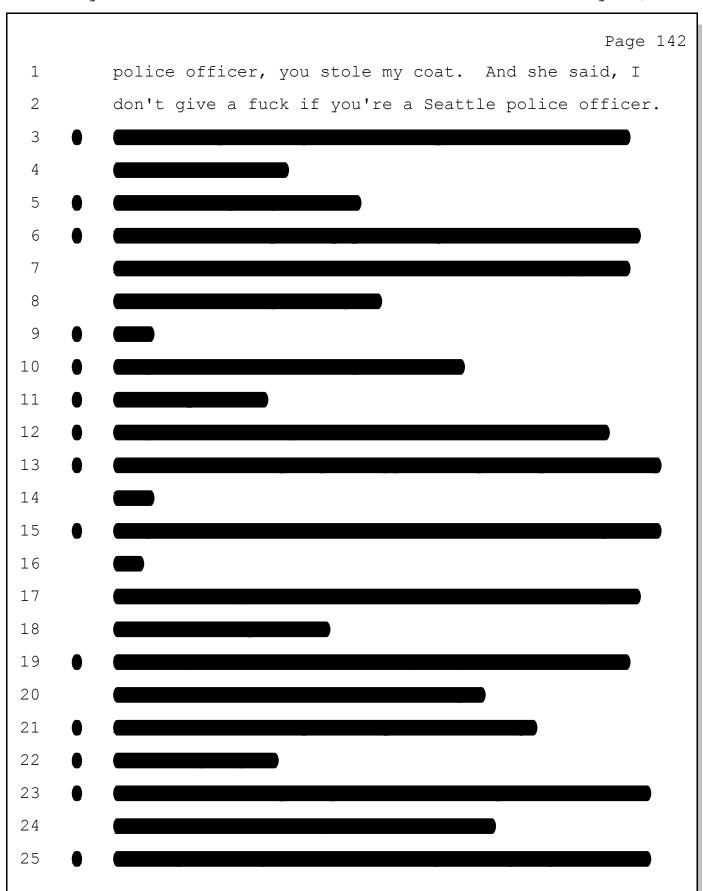


Page 134 1 you're unsuccessful in your attempt to locate the 2 coats, and then what do you do? 3 Well, I looked all around, and I looked around 4 upstairs to see if anybody picked it up by accident, 5 and then I went downstairs and looked -- looked around downstairs, and then I -- I remember, you know, that 6 group was kind of standing next to us. So, you know, 8 I went down there, and I saw them, you know. 9 As soon as I came out the door, you know, the girl who stole my coat was standing there. And she 10 11 was holding coats. She had a coat on. So I stood and 12 I looked to see -- before I approached her to make 13 sure if it was my coat she was holding, and I verified 14 it was mine, so I went and asked her for my coat. 15 Okay. How did you ask her? Q 16 I was, like, Miss, I think you're holding my coat. Α 17 And she said -- she said no. Because I'm always 18 respectful and professional when I approach anybody. 19 20 21 2.2 23 24 25

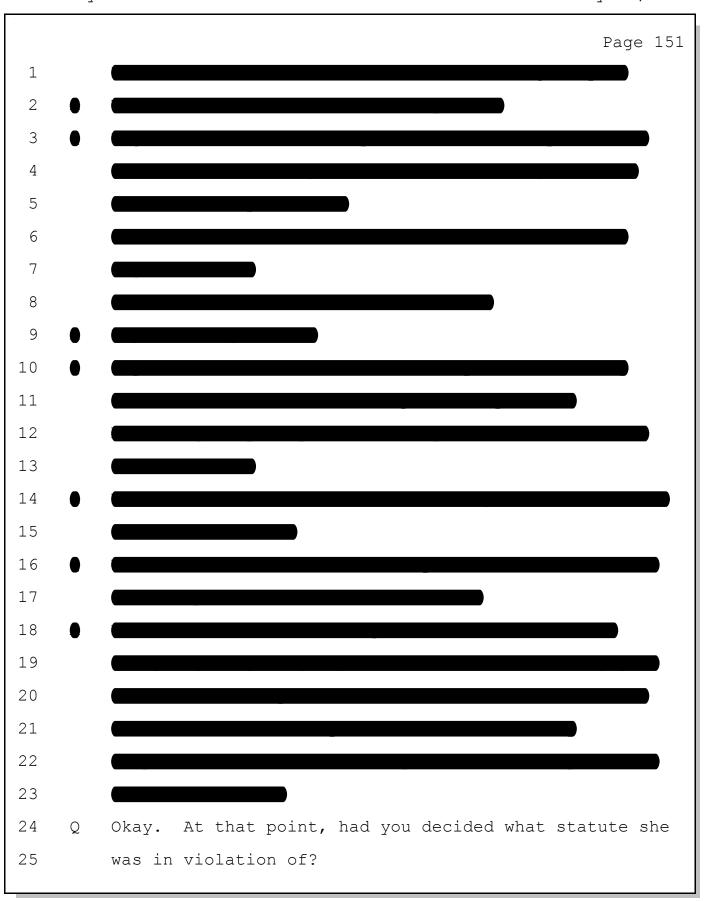


Page 136 1 was, like, Miss, I think you have my coat. And she's, 2 like, No, this is not your coat, this is my friend's 3 coat. And I was, like -- I was, like, Well, you know, 4 you're wearing a coat and everybody else in your group 5 is wearing a coat, and I think that's my coat. And 6 she goes, No, I told you, it's not your f'ing coat. So, I mean, she was getting defensive. Instead 8 of trying to reason with me, she got irate. I mean, 9 with my experience as a police officer, when somebody 10 is acting so defensive and, you know, irrational, 11 something's up. Something wasn't right. 12 13 14 15 16 17 18 19 20 21 2.2 23 24 25

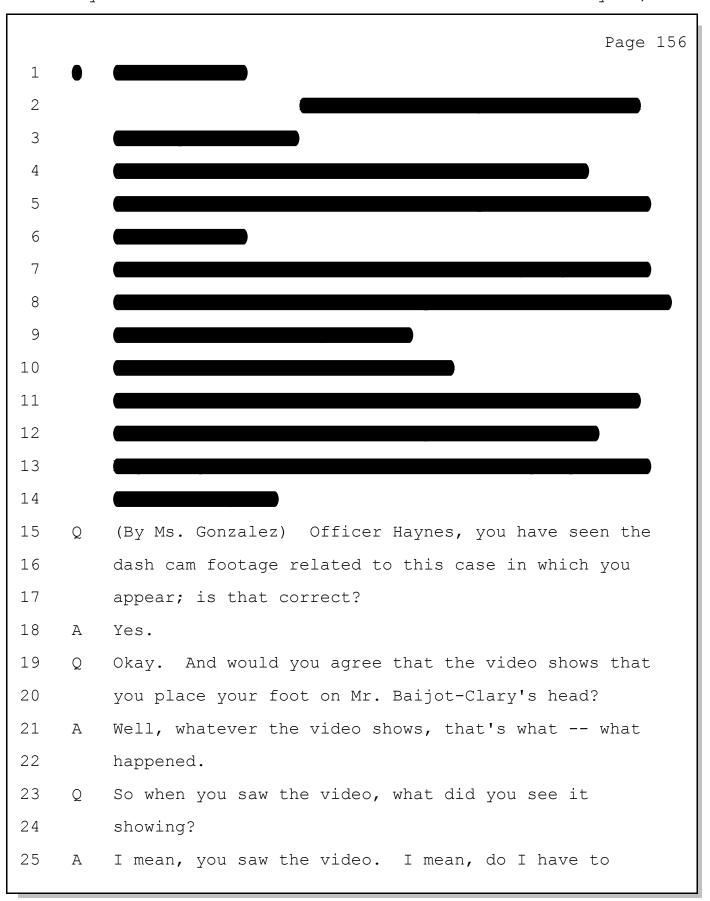




Page 147 1 2 I think you said earlier that you never removed Q 3 your gun from the holster; is that correct? 4 Α No, I didn't remove the gun from the holster. 5 Did you ever lift your shirt to show either Sarah or 0 6 anybody else in the crowd that you had a gun? 7 Α No. 8 Q When you lifted your shirt to remove the badge, did 9 you lift it up high enough to show your gun? 10 Well, I didn't lift it for the intention to show my Α 11 qun, but since the badge is so close to the qun, it's 12 possible that they may have seen the gun with the 13 badge. 14 15 16 17 18 19 20 21 2.2 23 24 25



Page 152 Α She stole my coat. 1 2 Okay. And so at that point in time, had you Q 3 determined what -- you're saying that she stole your 4 coat. 5 What criminal statute was that -- was that a violation of? 6 7 It's a theft. Α 8 Q And what are the elements of a theft? 9 When you take something that belongs to somebody else. 10 Is there an intent requirement? Q I don't know if she had intent or not. 11 12 13 14 15 16 17 18 19 20 21 2.2 23 24 25



Page 157 actually say what I saw? I mean --1 2 Yes, you do. 3 THE WITNESS: Do I have to? 4 MR. JACKSON: You have to answer her 5 questions. I'll object that the video speaks for 6 itself, but you have to answer her questions. 7 Go ahead and repeat the question. Α 8 (By Ms. Gonzalez) Sure. What did -- what do you --9 when you viewed the video, what did you see on it in terms of your conduct? 10 Well, it wasn't -- it was something I wouldn't do on a 11 Α 12 normal day. Let's put it that way. I wasn't asking --13 Q It wasn't good conduct. 14 Α 15 Q Was it --Was that good? 16 Α 17 I'm asking you to describe for me in your own words what you saw yourself do when you watched the dash cam 18 19 footage. 20 You want me to describe what I saw exactly what I did? 21 Q Yes. 2.2 Well, the video showed me, you know, pushing him with Α 23 my foot. Pushing him where? 24 25 Pushing him down with my foot. Α

Page 158 What part of your body -- what part of your body 1 0 2 contacted his body? 3 Well, my -- it -- the video showed that my foot was 4 pushing his head down. 5 Down into what? 0 6 Α To the ground. 7 And when you watch the dash cam footage, did you see Q 8 that Mr. Baijot-Clary was handcuffed? 9 Well, yeah, after the whole incident I watched it, 10 yeah, I saw it. 11 And was there any justified reason for your conduct in 12 terms of putting your foot on his head? 13 Well, I said there's no justified reason, you know. Α 14 15 16 17 18 19 20 21 2.2 23 24 25